

13. (Once Amended) A method, comprising the steps of:
transmitting a frame of data having a predetermined number of time slots, each time slot being adjacent another time slot;
transmitting a plurality of data symbols in each respective time slot; and
transmitting a primary, a secondary and a tertiary synchronization code over respective adjacent channels in each said predetermined number of time slots.

Cancel Claims 18-24.

REMARKS

Claims 1-5 and 13-17 were rejected under 35 U.S.C. 102(e) in parent application 09/428,907 as being anticipated by Nystrom et al. (US 6,185,244). Applicant respectfully traverses this rejection, as set forth below.

In order that the rejection of any of Claims 1-5 and 13-17 be sustainable, it is fundamental that "each and every element as set forth in the claim be found, either expressly or inherently described, in a single prior art reference." Verdegall Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See also, Richardson v. Suzuki Motor Co., 9 USPQ2d 1913, 1920 (Fed. Cir. 1989), where the court states, "The identical invention must be shown in as complete detail as is contained in the ... claim".

Furthermore, "all words in a claim must be considered in judging the patentability of that claim against the prior art." In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

Independent Claim 1, as amended, requires and positively recites, a method, comprising the steps of: "receiving a frame of data having a predetermined number of time slots, each time slot being adjacent another time slot", "receiving a plurality of data symbols in each respective time

slot” and “receiving a primary, a secondary **and a tertiary synchronization code over respective adjacent channels in each** said predetermined number of time slots”.

Independent Claim 13, as amended, requires and positively recites, a method, comprising the steps of: “transmitting a frame of data having a predetermined number of time slots, each time slot being adjacent another time slot”, “transmitting a plurality of data symbols in each respective time slot” and “transmitting a primary, a secondary **and a tertiary synchronization code over respective adjacent channels in each** said predetermined number of time slots”.

Applicant note the reason provided by the Examiner for denying patentability of Claims 1 and 13: “the phrase “over respective channels” is not distinctively enough as to exclusive convey the argued features” (Office Action, dated January 29, 2003, page 4, lines 19-20). By this amendment the last step of Claim 1 has been amended to be, “receiving a primary, a secondary **and a tertiary synchronization code over respective adjacent channels in each** said predetermined number of time slots”. The last step of Claim 13 has been amended to be, “transmitting a primary, a secondary **and a tertiary synchronization code over respective adjacent channels in each** said predetermined number of time slots”. Independent Claims 1 and 13 are now distinctive enough to exclusively convey the argued features. Accordingly, Claims 1 and 13 should be allowed.

Claims 2-5 and 14-17 stands allowable as depending from allowable claims and including further limitation not taught or suggested by the Nystrom et al. reference.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned **“Version with markings to show changes made.”**

Independent Claims 1 and 13 have been amended and are patentable over the Nystrom reference. Claims 2-5 and 14-17 stands allowable as depending from allowable claims and including further limitation not taught or suggested by the Nystrom et al. reference. Applicant respectfully requests that a Notice of Allowance be issued on Claims 1-5 and 13-17 at the earliest possible date.

Respectfully submitted,



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE SPECIFICATION – (marked-up copy):

Rewrite the paragraph at page 1, line 28, as follows:

--New standards are continually emerging for next generation wideband code division multiple access (WCDMA) communication systems as described in U.S. Patent [Application Serial] No. [90/217,759] 6,345,069, entitled Simplified Cell Search Scheme for First and Second Stage, [filed December 21, 1998] issued February 5, 2002, and incorporated herein by reference. These WCDMA systems are coherent communications systems with pilot symbol assisted channel estimation schemes. These pilot symbols are transmitted as quadrature phase shift keyed (QPSK) known data in predetermined time frames to any receivers within the cell or within range. The frames may propagate in a discontinuous transmission (DTX) mode within the cell. For voice traffic, transmission of user data occurs when the user speaks, but no to be sent. The frames include pilot symbols as well as other control symbols such as transmit data symbol transmission occurs when the user is silent. Similarly for packet data, the user data may be transmitted only when packets are ready power control (TPC) symbols and rate information (RI) symbols. These control symbols include multiple bits otherwise known as chips to distinguish them from data bits. The chip transmission (T_c), therefore, is equal to the symbol time rate (T) divided by the number of chips in the symbol (N). This number of chips in the symbol is the spreading factor.--

IN THE CLAIMS – (marked-up copy):

1. (Once Amended) A method, comprising the steps of:

receiving a frame of data having a predetermined number of time slots, each time slot being adjacent another time slot;

receiving a plurality of data symbols in each respective time slot; and

receiving a primary, a secondary and a tertiary synchronization code over respective adjacent channels in each said predetermined number of time slots.

Cancel Claims 6-12.

13. (Once Amended) A method, comprising the steps of:

transmitting a frame of data having a predetermined number of time slots, each time slot being adjacent another time slot;

transmitting a plurality of data symbols in each respective time slot; and

transmitting a primary, a secondary and a tertiary synchronization code over respective adjacent channels in each said predetermined number of time slots.

Cancel Claims 18-24.